

### REMARKS

Claims 45-61 are pending in the present Application, and all claims currently stand rejected. Claims 45-46, 49, 52, and 55 are amended, and new claims 62-84 are added in the present Response. Reconsideration of the Application in view of the foregoing amendments and the following remarks is respectfully requested.

#### Rejection under 35 U.S.C. §112, Second Paragraph

On page 2 of the Office Action, the Examiner indicates that claims 46 and 52 are rejected as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, the Examiner cites claim language that states "the user community being defined by the or each identified common user characteristic."

Accordingly, claims 46 and 52 are amended herein to remove the objectionable language and recite instead "the at least one common user characteristic." In view of the foregoing remarks, Applicants believe that the Examiner's rejections are addressed, and respectfully request that the rejections under 35 U.S.C. §112, second paragraph, be withdrawn.

#### 35 U.S.C. § 102(e)

On page 2 of the Office Action, the Examiner rejects claims 45-61 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,343,313 to Salesky

(hereafter Salesky). The Applicants respectfully traverse these rejections for at least the following reasons.

“For a prior art reference to anticipate in terms of 35 U.S.C. §102, every element of the claimed invention must be *identically* shown in a single reference.” *Diversitech Corp. v. Century Steps, Inc.*, 7 USPQ2d 1315, 1317 (CAFC 1988). The Applicants submit that Salesky fails to identically teach every element of the claims, and therefore does not anticipate the present invention.

Regarding the Examiner’s rejection of independent claims 45, 49, and 52, Applicants submit that Salesky fails to teach certain similar claimed limitations from claims 45, 49, and 52. For example, independent claim 45 recites “*receiving a plurality of logon requests at a server that offers at least one service associated with an entertainment event, the event being at a particular location and being attended by a plurality of persons, each logon request being from a portable electronic device operated by a person physically attending the event, each logon request comprising device profile*” (emphasis added), which are limitations that are not taught or suggested either by the cited reference, or by the Examiner’s citations thereto.

Salesky teaches a “desktop conferencing system” that allows conference participants to share a display on respective computer screens that are “located at each remote site connected to the conference” (see column 1, lines 50-60). Applicants submit that the “conference” disclosed in Salesky is not an “entertainment event,” as specifically claimed by Applicants. Furthermore, Applicants submit that Salesky expressly teaches a distributed conferencing

environment with respective computer screens that are “located at each remote site connected to the conference” (emphasis added). Therefore, Salesky teaches away from “*the event being at a particular location and being attended by a plurality of persons, each logon request being from a portable electronic device operated by a person physically attending the event” (emphasis added), as expressly claimed by Applicants.*

On page 3 of the Office Action, the Examiner apparently attempts to equate certain “privileges” of Salesky with Applicants’ claimed “device profile information” and “user profile information.” Applicants respectfully traverse. Nowhere in the entire disclosure of Salesky is the word “profile” mentioned or utilized. The “privileges” of Salesky are merely the particular functions that a given conferee may utilize while participating in a conference. Unlike Applicants’ claimed profile information, these “privileges” of Salesky are not user-defined data structures regarding device or user characteristics that are provided to a central event server for defining a user community or for sharing with other device users.

Regarding the Examiner’s rejection of dependent claims 46-48, 50-51, and 53-61, for at least the reasons that these claims are dependent from independent claims whose limitations are not identically taught or suggested, the limitations of these dependent claims, when viewed through or in combination with the limitations of the respective independent claims are also not identically taught or suggested. Applicants therefore respectfully request reconsideration and allowance of dependent claims 46-48, 50-51, and 53-61, so that these claims may issue in a timely manner.

With further regard to the limitations of claims 46, 49, and 52, the Examiner cites column 2, lines 54-65, of Salesky against Applicants' utilizing an event server for automatically creating a "user community" based upon analyzing the user profiles to identify "at least one common user characteristic," as claimed by Applicants. For example, claim 45 recites "*utilizing the server for analyzing the user profiles associated with the persons using portable electronic devices logged on the server to identify at least one common user characteristic; and based on the analyzing, using the server for automatically grouping at least a portion of the persons using logged on portable electronic devices into a user community, the user community being defined by the at least one common user characteristic.*"

Column 2, lines 54-65, of Salesky is limited only to a brief description of providing certain displayed conference information to "a subset of the attendees." Salesky fails to discuss any specific techniques for how the "subset of attendees" might be selected or defined. Applicants therefore submit that Salesky nowhere teaches using an event server for "analyzing user profiles" and then automatically defining a "user community" based upon one or more identified user characteristics from the user profiles.

With regard to the rejections of claims 56-60, the Examiner cites column 2 of Salesky against the various different specific types of device profiles and user profiles claimed by Applicants. Applicants respectfully traverse. Applicants submit that nowhere in column 2 does Salesky disclose the various different specific types of device profiles and user profiles claimed by Applicants in claims

56-60. Applicants therefore submit that the rejections of claims 56-60 are improper.

With regard to the rejection of claim 61, the Examiner cites column 2, lines 10-35, of Salesky against the “requests for profiles” from other device user claimed by Applicants. Applicants respectfully traverse. Applicants submit that column 2, lines 10-35, of Salesky fails to disclose any type of “request for profiles,” as claimed by Applicants in claim 61. Applicants therefore submit that the rejection of claim 61 is improper.

Because a rejection under 35 U.S.C. §102 requires that every claimed limitation be *identically* taught by a cited reference, and because the Examiner fails to cite Salesky to identically teach or suggest the claimed invention, Applicants respectfully request reconsideration and allowance of claims 45-61 so that these claims may issue in a timely manner.

### New Claims 62-84

The Applicants submit new claims 62-84 for consideration by the Examiner in the present Application. New claims 62-84 are substantially similar to certain of the original claims filed by Applicant in the present Application. In reliance upon the Examiner's earlier cited grounds of rejection, Applicants have previously cancelled the original claims 1-44, and presented a set of substitute claims 45-61. However, in response to Applicants' Appeal Brief, the Examiner has now reopened prosecution, and now relies on a new cited reference to Salesky instead of the previously cited reference. Because of this abrupt change in the particular grounds of rejection, Applicants therefore have reintroduced certain of the cancelled claims for further reconsideration.

New claims 62-84 recite specific detailed embodiments for implementation and utilization of Applicants' invention, as disclosed and discussed in the Specification. Applicants submit that newly-added claims 62-84 contain limitations that are not taught or suggested by the newly-cited reference. For example, certain of claims 62-84 recite specific embodiments of the different possible profiles discussed in the Specification. In addition, certain of claims 62-84 recite a procedures for sending "requests for profiles" for information from other portable devices. Applicants therefore respectfully request the Examiner to consider and allow new claims 62-84, so that that these claims may issue in a timely manner.

### Summary

Applicants submit that the foregoing amendments and remarks overcome the Examiner's objections and rejections. Because the cited reference, or the Examiner's citations thereto, do not teach or suggest the claimed invention, and in light of the differences between the claimed invention and the cited prior art, Applicants therefore submit that the claimed invention is patentable over the cited art, and respectfully request the Examiner to allow claims 45-84, so that the present Application may issue in a timely manner. If there are any questions concerning this Response, the Examiner is invited to contact the Applicants' undersigned representative at the number provided below.

Respectfully submitted,

Date: 12/06/07

By: 

Gregory J. Koerner, Reg. No. 38,519  
Redwood Patent Law  
1291 East Hillsdale Blvd., Suite 205  
Foster City, CA 94404  
Tel: (650) 358-4000